

AMENDED IN ASSEMBLY MAY 7, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2227**

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### Introduced by Assembly Member Quirk

February 20, 2014

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An act to add *and repeal* Sections 26211, 26212, 26213, 26214, 26215, 26216, ~~26217, and 26218~~ to *and 26217 of* the Public Resources Code, relating to energy efficiency.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2227, as amended, Quirk. Citizens Oversight Board: implementation.

The California Clean Energy Jobs Act, an initiative approved by the voters at the November 6, 2012, statewide general election as Proposition 39, made changes to corporate incomes taxes and, except as specified, provides for the transfer of \$550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund for 5 fiscal years beginning with the 2013–14 fiscal year. Existing law provides for allocation of these funds to public school facilities, university and college facilities, other public buildings and facilities, as well as job training and workforce development, and public-private partnerships, for eligible projects, as specified. Existing law establishes the Citizens Oversight Board and requires it to, among other things, annually review all expenditures from the Clean Energy Job Creation Fund.

This bill would, among other things, require members of the board to serve for a term of 4 years and authorize them to serve for up to 2

additional terms. The bill would provide for the appointment of a chair and vice chair of the board, establish the responsibilities of the chair and vice chair, and require the board to meet at least 4 times per year or as often as the chair or the board deems necessary to conduct its business. The bill would authorize the formation of committees and would require the board to prepare an annual report, as specified.

*The bill's provisions would become inoperative on July 1, 2019, and would be repealed as of January 1, 2020.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 26211 is added to the Public Resources  
2 Code, to read:  
3 26211. (a) Funding for the board shall be ~~provided~~ *available,*  
4 *upon appropriation by the Legislature,* in the annual Budget Act.  
5 (b) *This section shall become inoperative on July 1, 2019, and,*  
6 *as of January 1, 2020, is repealed, unless a later enacted statute,*  
7 *that becomes operative on or before January 1, 2020, deletes or*  
8 *extends the dates on which it becomes inoperative and is repealed.*  
9 SEC. 2. Section 26212 is added to the Public Resources Code,  
10 to read:  
11 26212. (a) Members of the board shall serve for a term of four  
12 years and may be reappointed for up to two additional terms.  
13 (b) A majority of ~~active~~ board members shall constitute a  
14 quorum.  
15 (c) The board's principal office shall be located in the  
16 Treasurer's office in Sacramento.  
17 (d) Each board member shall be entitled to one vote. All votes  
18 shall be recorded and reported in the minutes of the board.  
19 (e) The board shall select from among its members a chair and  
20 a vice chair, as provided in Section 26214.  
21 (f) Members of the board shall not be compensated for their  
22 service, but may be reimbursed for actual and necessary ~~expenses.~~  
23 *expenses incurred in the performance of their duties.*  
24 (g) Requests for reimbursement for ~~anticipated~~ actual and  
25 necessary expenses shall be submitted to the chair for approval  
26 ~~before incurring the expense~~ and may be paid in accordance with  
27 Section 26217.

1     (h) *This section shall become inoperative on July 1, 2019, and,*  
2     *as of January 1, 2020, is repealed, unless a later enacted statute,*  
3     *that becomes operative on or before January 1, 2020, deletes or*  
4     *extends the dates on which it becomes inoperative and is repealed.*

5     SEC. 3. Section 26213 is added to the Public Resources Code,  
6     to read:

7     26213. (a) The board shall meet at least four times per year  
8     or as often as the chair or the board deems necessary to conduct  
9     its business.

10    (b) The chair shall, with the assistance of staff, prepare the  
11    agenda for each board meeting. Meeting agendas shall be prepared  
12    in advance of each meeting based on input from board members,  
13    staff, and the public.

14    (c) The board *and any committees established by the board* shall  
15    comply with, and be subject to, the requirements of the  
16    Bagley-Keene Open Meeting Act (Article 9 (commencing with  
17    Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
18    the Government Code).

19    (d) Without limiting subdivision (c), the posting of the board's  
20    agenda *and any committee agendas* shall comply with Section  
21    11125 of the Government Code. Special meetings shall comply  
22    with Section 11125.4 of the Government Code. Closed session  
23    reports shall comply with Section 11126.3 of the Government  
24    Code.

25    (e) *This section shall become inoperative on July 1, 2019, and,*  
26    *as of January 1, 2020, is repealed, unless a later enacted statute,*  
27    *that becomes operative on or before January 1, 2020, deletes or*  
28    *extends the dates on which it becomes inoperative and is repealed.*

29    SEC. 4. Section 26214 is added to the Public Resources Code,  
30    to read:

31    26214. (a) The first meeting of the board, at which a chair  
32    shall be selected, may be held upon appointment of all nine  
33    members of the board and shall be called jointly by the Treasurer,  
34    the Controller, and the Attorney General.

35    (b) The board shall elect a chair and vice chair at the first  
36    meeting of the board each year and each such individual shall hold  
37    office for one year commencing on the following July 1 and ending  
38    when his or her successor takes office. If there is a vacancy during  
39    the year in the office of the chair or vice chair, a majority of the  
40    active members of the board shall elect a replacement chair or vice

1 chair to serve the remainder of the year. If the interim vacancy is  
2 in the office of the chair, then the vice chair shall perform the  
3 duties of the chair until a successor is elected.

4 *(c) The board shall establish rules of operation for the board*  
5 *that are consistent with the rules and practices applicable to other*  
6 *state boards.*

7 ~~(e)~~

8 *(d) In the absence of the chair during a meeting, the vice chair*  
9 *shall perform all of the functions of the chair.*

10 ~~(d)~~

11 *(e) The chair shall oversee meetings, serve as an ex officio*  
12 *member of all committees, work in partnership with staff to ensure*  
13 *board resolutions are carried out, call special meetings if necessary,*  
14 *appoint all committee chairs and recommend who will serve on*  
15 *committees, prepare agendas for meetings, coordinate the hiring*  
16 *and evaluations of staff and consultants, act as spokesperson for*  
17 *the board, periodically consult with board members on their roles,*  
18 *and ensure that the rules of procedure and decorum contained in*  
19 *this chapter are observed and enforced.*

20 ~~(e)~~

21 *(f) The vice chair shall carry out special assignments as*  
22 *requested by the chair, understand the responsibilities of the chair,*  
23 *and be able to perform the duties of the chair in the chair's absence.*

24 *(g) Board staff activities shall not be duplicative of ongoing*  
25 *efforts by other state agencies, including, but not limited to, the*  
26 *State Department of Education and the State Energy Resources*  
27 *Conservation and Development Commission.*

28 *(h) This section shall become inoperative on July 1, 2019, and,*  
29 *as of January 1, 2020, is repealed, unless a later enacted statute,*  
30 *that becomes operative on or before January 1, 2020, deletes or*  
31 *extends the dates on which it becomes inoperative and is repealed.*

32 SEC. 5. Section 26215 is added to the Public Resources Code,  
33 to read:

34 26215. (a) The board may establish committees as it deems  
35 necessary and appropriate. The chair may, *with board approval,*  
36 *define and limit a committee's scope and authority, and establish*  
37 *rules of operation for the committees.*

38 (b) Each committee shall meet and shall make recommendations  
39 and reports as deemed necessary or appropriate by the chair or the  
40 board.

1 (c) In the absence of the committee chair, the vice chair shall  
2 conduct routine business matters and meetings of the committee.

3 (d) The status, purpose, and authority of a committee shall be  
4 determined by the chair *and approved by the board* at the time the  
5 committee is established by the board. The board may modify a  
6 committee's status, purpose, or authority at any time.

7 (e) A committee may act within its delegated authority without  
8 further approval of the board. Committees and committee members  
9 shall not make or issue policy statements, recommendations, or  
10 media releases without prior approval of the board. A committee  
11 activity that implies action by the board or is outside the  
12 committee's delegated authority is prohibited without specific  
13 board approval.

14 (f) *This section shall become inoperative on July 1, 2019, and,*  
15 *as of January 1, 2020, is repealed, unless a later enacted statute,*  
16 *that becomes operative on or before January 1, 2020, deletes or*  
17 *extends the dates on which it becomes inoperative and is repealed.*

18 SEC. 6. Section 26216 is added to the Public Resources Code,  
19 to read:

20 26216. (a) ~~In addition to, and in conjunction with, the~~  
21 ~~performance of its duties set forth in subdivision (d) of Section~~  
22 ~~26210, the~~ The board shall review and evaluate the progress and  
23 status of projects and shall prepare, approve, and distribute annual  
24 reports of its activities, findings, and recommendations to the  
25 Governor, the Legislature, and the ~~public~~. *public, to the extent*  
26 *these actions are consistent with subdivision (d) of Section 26210.*  
27 Each annual report shall concern the activities of the board and its  
28 committees during the preceding calendar year and shall be  
29 distributed within 90 days of the end of the calendar year to which  
30 it pertains.

31 (b) The process for preparing, approving, and distributing the  
32 annual reports shall be as follows:

33 (1) The chair shall be responsible for preparing a draft annual  
34 report that shall be presented at a regularly scheduled meeting of  
35 the board.

36 (2) The draft annual report shall be discussed and considered  
37 by the board at the meeting and shall be approved as presented or  
38 with amendments or changes following the opportunity for, and  
39 receipt of, any public comment.

(3) After the meeting, the annual report shall be put into its final approved form and shall be distributed and published on the board's Internet Web site.

(c) The annual report distributed pursuant to this section shall be submitted to the Legislature in accordance with Section 9795 of the Government Code.

*(d) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 7. Section 26217 is added to the Public Resources Code, to read:

26217. (a) Expenses of the board shall be accounted for and paid in a manner that is consistent with the State Administrative Manual and any related processes and procedures. The board may delegate to the chair or staff the authority to approve expenses, pay expenses, or both.

(b) Expenditure items exceeding the board's budget, or expenditure items the chair deems worthy of further consideration, shall be brought before the board for consideration at the next meeting.

(c) The chair shall be responsible for tracking the board's budget and regularly reporting to the board if expenditures are within the amounts planned and what steps have been taken or are proposed to be taken to ensure that the board has sufficient funds to accomplish its annual mission.

~~(d) If approved by the board, the~~ The chair may testify before a state authority and his or her actual and necessary travel, meal, and lodging expenses shall be reimbursed.

(e) The expenses of the board shall be published in the board's annual report required by Section 26216.

*(f) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.*

~~SEC. 8. Section 26218 is added to the Public Resources Code, to read:~~

~~26218. The most recent edition of Robert's Rules of Order shall govern the parliamentary procedures, disciplinary proceedings, and rules for the conduct of board meetings. An action~~

1 ~~of the board shall not be invalidated, or the legality of an action~~  
2 ~~of the board affected, by the failure or omission to observe or~~  
3 ~~follow Robert's Rules of Order.~~

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